

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARBLE BRIDGE FUNDING GROUP,

Plaintiff,

v.

NATURE'S OWN PHARMACY, LLC, et al,

Defendants.

Case No.: 12-01839 PSG

**ORDER SETTING DEADLINE FOR
CONSENT TO MAGISTRATE
JURISDICTION**

On April 12, 2012, Marble Bridge Funding Group ("Marble Bridge") filed this action against Nature's Own Pharmacy, LLC ("NOP"), Richard Wallace, Annette Zimmerman, Craig John Barr, and Marsha Kay Holloway. On May 29, 2012, Marble Bridge initiated suit against Euler Hermes American Credit Indemnity Co. ("Euler"). Euler declined to proceed before a magistrate judge, and the case was reassigned to Judge Davila. The parties to this case have neither consented nor declined to magistrate jurisdiction.

Euler now moves to reassign this case to Judge Davila pursuant to Civil L.R. 3-12. Rule 3-12 provides that the judge in the earliest-filed case must determine whether the cases are related, and, if they are related, the later-filed case should be assigned to that judge. As a result, the court cannot assign Marble Bridge's case against NOP directly to Judge Davila. The court also cannot

1 require Euler, a party to the later-filed case, to proceed before a magistrate when it has declined to
2 do so.¹

3 To facilitate determination of this issue, the court will set a deadline for consent to
4 magistrate jurisdiction of the parties in this case. Marble Bridge and NOP will have fourteen days
5 to consent or the case will be reassigned to a district court judge. Accordingly,

6 IT IS HEREBY ORDERED that the parties will file with the court their consent to proceed
7 before a magistrate judge by October 16, 2012. Failure to file the consent by that date will result in
8 reassignment of the case to a district court judge.
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10 **IT IS SO ORDERED**

11 Dated: October 2, 2012

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14 PAUL S. GREWAL
15 United States Magistrate Judge
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¹ See 28 U.S.C. § 636(a)-(c).